

FINAL REGULATION ORDER

REGULATION FOR REDUCING EMISSIONS FROM CONSUMER PRODUCTS

Amend title 17, California Code of Regulations, sections 94508, 94509, 94512, 94513 and 94515 to read as follows:

Note: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. Portions of the regulation nonsubstantively changed with renumbering are indicated by [Nonsubstantive changes were made to indicate renumbering]. The symbol “* * * *” means that intervening text not being amended is not shown.

Article 2. Consumer Products

§ 94508. Definitions.

(a) For the purpose of this article, the following definitions apply:

- (1) “Adhesive” means any product that is used to bond one surface to another by attachment. “Adhesive” does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For “Contact Adhesive,” “Construction, Panel, ~~and~~or Floor Covering Adhesive,” and “General Purpose Adhesive” only, “~~a~~Adhesive” also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.

“Adhesive” includes the following categories (A-D):

- (A) “Aerosol Adhesive” means any “Adhesive” packaged as an aerosol product in which the spray mechanism is permanently housed in a can designed for hand-held application without the need for ancillary hoses or spray equipment.

“Aerosol Adhesive” includes the following subcategories (1-3):

1. “Mist Spray Adhesive” means any “Aerosol Adhesive” which is not a “Special Purpose Spray Adhesive” and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

2. “Special Purpose Spray Adhesive” means an “Aerosol Adhesive” that meets one of the following definitions:

- a. “Automobile Headliner Adhesive” means an “Aerosol Adhesive” designed and labeled exclusively to bond together layers in motor vehicle headliners.
- b. “Automotive Engine Compartment Adhesive” means an “Aerosol Adhesive” designed and labeled exclusively for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200-275 degrees Fahrenheit.
- c. “Flexible Vinyl Adhesive” means an “Aerosol Adhesive” designed and labeled exclusively to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, that may be determined using ASTM Method E260-91 (Jan. 25, 1991) Standard Practice for Packed Column Gas Chromatography, which is incorporated by reference herein, or from product formulation data.
- d. “Laminate Repair/Edgebanding Adhesive” means an “Aerosol Adhesive” designed and labeled exclusively for:
 - i. the touch-up or repair of items laminated with high pressure laminates (for example, lifted edges, delaminations, etc.), or for
 - ii. the touch-up, repair, or attachment of edgebanding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood molding, or decorative metals.

For the purposes of this definition “high pressure laminate” means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

- e. “Mounting Adhesive” means an “Aerosol Adhesive” designed and labeled exclusively to permanently mount photographs, artwork, or any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
- f. “Polyolefin Adhesive” means an “Aerosol Adhesive” designed and labeled exclusively to bond polyolefins (for example, polyethylene, polypropylene, etc.) to substrates.

g. "Polystyrene Foam Adhesive" means an "Aerosol Adhesive" designed and labeled exclusively to bond polystyrene foam (for example, Styrofoam®, expanded polystyrene foam, etc.) to substrates.

h. "Screen Printing Adhesive" means an "Aerosol Adhesive" designed and labeled exclusively to hold garments or fabric in place during the screen printing process.

3. "Web Spray Adhesive" means any "Aerosol Adhesive" which is not a "Mist Spray Adhesive" or "Special Purpose Spray Adhesive."

(B) "Construction, Panel, or Floor Covering Adhesive" means any nonaerosol, one-component "Adhesive" that is designed or labeled for the installation, remodeling, maintenance, or repair of: (A) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or (B) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. "Construction, Panel, and Floor Covering Adhesive" does not include "Floor Seam Sealer."

(C) "Contact Adhesive" means a nonaerosol "Adhesive" that: (A) is designed for application to both surfaces to be bonded together, and (B) is allowed to dry before the two surfaces are placed in contact with each other, and (C) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (D) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. "Contact Adhesive" does not include rubber cements that are primarily intended for use on paper substrates. "Contact Adhesive" also does not include vulcanizing fluids that are designed and labeled for tire repair only.

"Contact Adhesive" is divided into two subcategories:

1. "Contact Adhesive - General Purpose" means any contact adhesive that is not a "Contact Adhesive - Special Purpose."

2. "Contact Adhesive - Special Purpose" means a contact adhesive that: (A) is used to bond melamine-covered board, unprimed metal,

unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces, or (B) is used in automotive applications that are (1.) automotive under-the-hood applications requiring heat, oil or gasoline resistance, or (2.) body-side molding, automotive weatherstrip or decorative trim.

(D) "General Purpose Adhesive" means any nonaerosol "Adhesive" designed for use on a variety of substrates. "General Purpose Adhesive" does not include (A) "Contact Adhesive," (B) "Construction, Panel, or Floor Covering Adhesive," (C) adhesives designed exclusively for application on one specific category of substrates (that is, substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or (D) adhesives designed exclusively for use on one specific category of articles (that is, articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

~~(3) "Aerosol Adhesive" means any adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesives, mist spray adhesives, and web spray adhesives.~~

§ 94508(a)(3) – § 94508(a)(5) [Nonsubstantive changes to indicate renumbering].

~~(76)~~ "Air Freshener" means any product including, but not limited to, liquids, semisolids, solids, aerosol or pump sprays, wicks, wipes, diffusers, powders, and/or crystals, designed or labeled for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. "Air Freshener" includes dual purpose air freshener/disinfectant products. "Air Freshener" does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label, "Odor Remover/Eliminator," or "Toilet/Urinal Care Product."

"Air Freshener" includes the following subcategories (A-C):

(A) "Double Phase Aerosol Air Freshener" means an aerosol "Air Freshener," with the liquid contents in two or more distinct phases, that requires the product container be shaken before use to mix the phases, producing an emulsion.

(B) "Dual Purpose Air Freshener/Disinfectant" means an aerosol "Air Freshener" that is designed or labeled for use as both a "Disinfectant" and an "Air

Freshener,” or is so represented on any sticker, label, packaging, or literature attached to the product container.

(C) “Single Phase Aerosol Air Freshener” means an aerosol “Air Freshener” with the liquid contents in a single homogeneous phase which does not require that the product container be shaken before use.

§ 94508(a)(7) – § 94508(a)(13) [Nonsubstantive changes to indicate renumbering].

(14) “Artist’s Solvent/Thinner” means any liquid product, labeled to meet ASTM D4236 – 94 (March 1, 2005) Standard Practice for Labeling Art Materials for Chronic Health Hazards, which is incorporated by reference herein, and is packaged in a container with a capacity equal to or less than 34 fluid ounces, and is labeled exclusively and explicitly to reduce the viscosity of, and or remove, art coating compositions or components.

§ 94508(a)(15) – § 94508(a)(27) [Nonsubstantive changes to indicate renumbering].

~~(29) “Construction, Panel, and Floor Covering Adhesive” means any nonaerosol, one-component adhesive that is designed or labeled for the installation, remodeling, maintenance, or repair of: (A) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or (B) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass. “Construction, Panel, and Floor Covering Adhesive” does not include “Floor Seam Sealer.”~~

§ 94508(a)(28) – § 94508(a)(29) [Nonsubstantive changes to indicate renumbering].

~~(32) “Contact Adhesive” means a nonaerosol adhesive that: (A) is designed for application to both surfaces to be bonded together, and (B) is allowed to dry before the two surfaces are placed in contact with each other, and (C) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (D) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. “Contact Adhesive” does not include rubber cements that are primarily intended for use on paper substrates. “Contact Adhesive” also does not include vulcanizing fluids that are designed and labeled for tire repair only.~~

~~(33) “Contact Adhesive – General Purpose” means any contact adhesive that is not a “Contact Adhesive – Special Purpose.”~~

~~(34) “Contact Adhesive – Special Purpose” means a contact adhesive that: (A) is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer 1/16 inch or less in thickness to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight fluid ounces, or (B) is used in automotive applications that are (1.) automotive under-the-hood applications requiring heat, oil or gasoline resistance, or (2.) body-side molding, automotive weatherstrip or decorative trim.~~

§ 94508(a)(30) [Nonsubstantive change to indicate renumbering].

~~(36) “Crawling Bug Insecticide” means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders. “Crawling Bug Insecticide” does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:~~

~~“House dust mite product” means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.~~

~~“House dust mite” means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.~~

~~(37)~~31 “Deodorant Body Spray” means:

~~(A) for products manufactured before January 1, 2006: a “Personal Fragrance Product” with 20 percent or less fragrance.~~

~~(B) for products manufactured on or after January 1, 2006: a “Personal Fragrance Product” with 20 percent or less fragrance, that is designed for application all over the human body to provide a scent. A “Deodorant Body Spray” product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla, is a “Deodorant” as defined in section 94501(d).~~

§ 94508(a)(32) – §94508(a)(34) [Nonsubstantive changes to indicate renumbering].

~~(41) “Double Phase Aerosol Air Freshener” means an aerosol air freshener with the~~

~~liquid contents in two or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.~~

§ 94508(a)(35) [Nonsubstantive change to indicate renumbering].

~~(43) “Dual Purpose Air Freshener/Disinfectant” means an aerosol product that is represented on the product container for use as both a disinfectant and an air freshener, or is so represented on any sticker, label, packaging, or literature attached to the product container.~~

§ 94508(a)(36) – § 94508(a)(42) [Nonsubstantive changes to indicate renumbering].

~~(5143)~~ “Fabric Protectant” means:

~~(A) for products manufactured before December 31, 2008: a product designed or labeled to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric’s fibers. “Fabric Protectant” does not include “Waterproofers,” products designed for use solely on leather, or products designed for use solely on fabrics which are labeled “for dry clean only” and sold in containers of 10 fluid ounces or less.~~

~~(B) for products manufactured on or after December 31, 2008: a product designed or labeled to be applied to fabric substrates to protect the surface from soiling from dirt or other impurities or to reduce absorption of liquid into the fabric’s fibers. “Fabric Protectant” does not include “Waterproofers,” or products labeled for use solely on leather; “Fabric Protectant” does not include pigmented products that are designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of fabric substrates; or products that renew or restore fabric, and qualifying as either. “Fabric Protectant” also does not include “Clear Coating” or “Vinyl/Fabric/Leather/Plastic/Polycarbonate Coating” under as defined in section 94521(a).~~

§ 94508(a)(44) – § 94508(a)(47) [Nonsubstantive changes to indicate renumbering].

~~(56) “Flea and Tick Insecticide” means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. “Flea and Tick Insecticide” does not include products that are designed to be used exclusively on humans or animals and their bedding.~~

§ 94508(a)(48) – § 94508(a)(52) [Nonsubstantive changes to indicate renumbering].

~~(62) “Flying Bug Insecticide” means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. “Flying Bug Insecticide” does not include “wasp and hornet insecticide,” products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, “moth-proofing product” means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.~~

(6353) “Footwear or Leather Care Product” means any product designed or labeled to be applied to footwear or to other leather articles/components, to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and nonleather foot apparel. “Footwear or Leather Care Product” does not include “Fabric Protectant,” “General Purpose Adhesive,” “Contact Adhesive,” “Vinyl/Fabric/Leather/Plastic/Polycarbonate Coating,” as defined in section 94521(a), “Rubber/Vinyl Protectant,” “Fabric Refresher,” products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than 2 millimeters thick.

§ 94508(a)(54) – § 94508(a)(57) [Nonsubstantive changes to indicate renumbering].

~~(68) “General Purpose Adhesive” means any nonaerosol adhesive designed for use on a variety of substrates. “General Purpose Adhesive” does not include (A) contact adhesives, (B) construction, panel, and floor covering adhesives, (C) adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or (D) adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).~~

(6958) “General Purpose Cleaner” means:

(A) for products manufactured before January 1, 2015: a product labeled to clean a variety of hard surfaces. “General Purpose Cleaner” includes, but is not limited to, products designed or labeled for general floor cleaning, kitchen, countertop, or sink cleaning, and cleaners designed or labeled to be used on a variety of hard surfaces such as stovetops, cooktops, or microwaves.

(B) for products manufactured on or after January 1, 2015: a product that is designed or labeled to clean hard surfaces in homes, garages, patios, commercial, or institutional environments. “General Purpose Cleaner”

includes products that clean kitchens, sinks, appliances, counters, walls, cabinets or floors and products that claim to clean a variety of similar surfaces such as plastics, stone or metal. "General Purpose Cleaner" does not include "Single Purpose Cleaner" or "Furniture Maintenance Product."

(7059) "General Purpose Degreaser" means:

- (A) for products manufactured before December 31, 2012: any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. "General Purpose Degreaser" does not include "Engine Degreaser," "General Purpose Cleaner," "Adhesive Remover," "Electronic Cleaner," "Electrical Cleaner," "Energized Electrical Cleaner," and "Metal Polish or Cleanser." "General Purpose Degreaser" also does not include products used exclusively in "solvent cleaning tanks or related equipment," or products that are (A) sold exclusively to establishments which manufacture or construct goods or commodities; and (B) labeled "not for retail sale." "Solvent cleaning tanks or related equipment" includes, but is not limited to, cold cleaners, vapor degreasers, conveyorized degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.
- (B) for products manufactured on or after December 31, 2012, but before January 1, 2015: any product labeled to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. "General Purpose Degreaser" does not include "Adhesive Remover," "Electrical Cleaner," "Electronic Cleaner," "Energized Electrical Cleaner," "Engine Degreaser," "General Purpose Cleaner," "Metal Polish or Cleanser," or "Oven or Grill Cleaner." "General Purpose Degreaser" also does not include products used exclusively in "solvent cleaning tanks or related equipment," or products that are (A) exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities; and (B) labeled exclusively for "use in the manufacturing process only." "Solvent cleaning tanks or related equipment" includes, but is not limited to, cold cleaners, vapor degreasers, conveyorized degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.
- (C) for products manufactured on or after January 1, 2015: any product that is designed or labeled to remove or dissolve grease, grime, oil or other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. "General Purpose Degreaser" does not include "Adhesive Remover," "Electrical Cleaner," "Electronic Cleaner," "Energized Electrical Cleaner," "Engine Degreaser," "General Purpose Cleaner," "Metal Polish or Cleanser," "Oven or Grill Cleaner," or "Single Purpose Degreaser."

“General Purpose Degreaser” also does not include products used exclusively in “solvent cleaning tanks or related equipment,” or products that are (A) exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities; and (B) labeled exclusively for “use in the manufacturing process only.” “Solvent cleaning tanks or related equipment” includes, but is not limited to, cold cleaners, vapor degreasers, conveyorized degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

§ 94508(a)(60) – § 94508(a)(65) [Nonsubstantive changes to indicate renumbering].

(66) “Hair Finishing Spray” means a consumer product that is designed or labeled for application to styled hair to provide sufficient rigidity, to hold, retain or finish the style of the hair for a period of time. “Hair Finishing Spray” includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hair sprays that make finishing claims; and products that are both a styling and finishing product. “Hair Finishing Spray” does not include spray products that are intended to aid in styling but do not provide finishing of a hair style.

For the purposes of this subchapter, “finish” or “finishing” means the maintaining and/or holding of previously styled hair for a period of time.

For the purposes of this subchapter, “styling” means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

§ 94508(a)(67) [Nonsubstantive change to indicate renumbering].

~~(7868)~~ “Hair Shine” means any product designed for the primary purpose of creating a shine when applied to the hair. “Hair Shine” includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. “Hair Shine” does not include “Hair Finishing Spray,” “Hair Mousse,” “Hair Styling Product,” ~~“Hair Styling Gel”~~, or products whose primary purpose is to condition or hold the hair.

~~(79) “Hair Styling Gel” means a consumer product manufactured before December 31, 2006, that is a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.~~

~~(80) “Hair Spray” means:~~

~~(A) for products manufactured before December 31, 2006: a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to~~

~~establish or retain the style for a period of time, and~~

~~(B) for products manufactured on or after December 31, 2006: a consumer product that is applied to styled hair, and is designed or labeled to provide sufficient rigidity, to hold, retain and/or (finish) the style of the hair for a period of time. "Hair Spray" includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hair sprays that make finishing claims; and products that are both a styling and finishing product. "Hair Spray" does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.~~

~~For the purposes of this subchapter, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time.~~

~~For the purposes of this subchapter, "styling" means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.~~

~~(8469) "Hair Styling Product" means a consumer product manufactured on or after December 31, 2006, that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. "Hair Styling Product" includes, but is not limited to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hair style, and leave-in volumizers, detanglers and/or conditioners that make styling claims. "Hair Styling Product" does not include "No Rinse Shampoo," "Thermal Protectant," "Hair Mousse," "Hair Shine," "Hair Finishing Spray," or shampoos and/or conditioners that are rinsed from the hair prior to styling.~~

~~For the purposes of this subchapter, "finish" or "finishing" means the maintaining and/or holding of previously styled hair for a period of time.~~

~~For the purposes of this subchapter, "styling" means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.~~

§ 94508(a)(70) – § 94508(a)(75) [Nonsubstantive changes to indicate renumbering].

~~(8876) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are: (A) for agricultural use, or (B) for a use which requires a structural pest control license under Chapter 14 (commencing with Section 8500) of the Business and Professions Code, or (C) restricted materials that require a permit for use and possession.~~

~~"Insecticide" includes the following subcategories (A-F):~~

(A) "Crawling Bug Insecticide" means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, such as mites, silverfish or spiders. "Crawling Bug Insecticide" does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

"House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

"House dust mite" means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, or the family Pyroglyphidae.

(B) "Flea or Tick Insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. "Flea or Tick Insecticide" does not include products that are designed to be used exclusively on humans or animals or their bedding.

(C) "Flying Bug Insecticide" means any insecticide product that is designed for use against flying insects or other flying arthropods such as flies, mosquitoes, moths, or gnats. "Flying Bug Insecticide" does not include "Wasp or Hornet Insecticide," products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

(D) "Insecticide Fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

(E) "Lawn or Garden Insecticide" means an insecticide product labeled primarily to be used in household lawn or garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 94512(a) aerosol "Lawn or Garden Insecticide" may claim to kill insects or other arthropods.

(F) "Wasp or Hornet Insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or

their hiding place.

~~(89) “Insecticide Fogger” means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.~~

§ 94508(a)(77) – § 94508(a)(80) [Nonsubstantive changes to indicate renumbering].

~~(94) “Lawn or Garden Insecticide” means an insecticide product labeled primarily to be used in household lawn or garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 94512(a) aerosol “Lawn or Garden Insecticide” may claim to kill insects or other arthropods.~~

§9 4508(a)(81) [Nonsubstantive change to indicate renumbering].

~~(9682)~~ “Lubricant” means:

(A) for products manufactured before December 31, 2012: a product that reduces friction, heat, noise, or wear between moving parts, or loosens rusted or immovable parts or mechanisms. “Lubricant” does not include automotive power steering fluids; products designed and labeled exclusively to release manufactured products from molds; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals; or products that are (1) sold exclusively to establishments which manufacture or construct goods or commodities, and (2) labeled “not for retail sale.”

(B) for products manufactured on or after December 31, 2012: a product that reduces friction, heat, noise, or wear between moving parts, or loosens rusted or immovable parts or mechanisms. “Lubricant” does not include automotive power steering fluids; products designed and labeled exclusively to release manufactured products from molds; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals; or products that are (1) exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities, and (2) labeled exclusively for “use in the manufacturing process only.” “Lubricant” includes products labeled for use in food-servicing environments that include, but are not limited to, restaurants and food stores.

(C) “Lubricant” includes the following subcategories (1. – 9.):

1. “Anti-seize Lubricant” means any “Lubricant” designed or labeled exclusively for use in high temperature or high pressure conditions to

prevent moving metal parts from seizing or galling, and/or to facilitate disassembly of metal parts. A lubricant that meets the definition for “~~Dry Lubricant~~” or “Firearm Lubricant” is not an “Anti-seize Lubricant.”

2. “Cutting or Tapping Oil” means any “~~L~~ubricant” designed or labeled exclusively for drilling, cutting, or tapping metals.
3. “Dry Lubricant” means any “~~L~~ubricant” which provides lubricity solely by depositing a thin film of solid material including, but not limited to, graphite, molybdenum disulfide (“moly”), polytetrafluoroethylene or closely related fluoropolymer (“teflon”), or boron nitride on surfaces. Products that meet the definition for “Dry Lubricant” are not subject to the requirements for “Anti-seize Lubricant,” “Cutting or Tapping Oil,” “Gear, Chain, or Wire Lubricant,” “Multi-purpose Lubricant,” “Penetrant,” “Rust Preventative or Rust Control Lubricant,” or “Silicone-based Multi-purpose Lubricant.”
4. “Firearm Lubricant” means any “~~L~~ubricant” designed or labeled exclusively for use on firearms or their parts to lubricate and/or to provide corrosion or rust prevention.
5. “Gear, Chain, or Wire Lubricant” means any “~~L~~ubricant” designed or labeled exclusively for use on gears, chains, or wire ropes. “Gear, Chain or Wire Lubricant” does not include lubricant products labeled solely for use on chains of chain-driven vehicles.
6. “Multi-purpose Lubricant” means any “~~L~~ubricant” designed or labeled for general purpose lubrication, or a lubricant labeled for use in a wide variety of applications. Products that meet the definition for “Anti-seize Lubricant,” “Cutting or Tapping Oil,” “Dry Lubricant,” “Firearm Lubricant,” “Gear, Chain, or Wire Lubricant,” “Penetrant,” “Rust Preventative or Rust Control Lubricant,” or “~~Silicone-based Multi-purpose Lubricant,~~” or other lubricant products labeled solely for a single purpose are not “Multi-purpose Lubricants.”
7. “Penetrant” means a “~~L~~ubricant” designed or labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts are not “Penetrant” products.
8. “Rust Preventative or Rust Control Lubricant” means any “~~L~~ubricant” designed or labeled primarily for the prevention or control of rust. A Lubricant that meets the definition for “Firearm Lubricant” is not a “Rust Preventative or Rust Control Lubricant.”

9. “Silicone-based Multi-purpose Lubricant” means any “Lubricant” which is designed or labeled for general lubrication or for use in a wide variety of applications, in which lubricity is primarily provided through the use of silicone compounds including, but not limited to, polydimethylsiloxane. “Silicone-based Multi-purpose Lubricant” does not include silicone-based lubricant products labeled solely for a single purpose.

§ 94508(a)(83) – § 94508(a)(86) [Nonsubstantive changes to indicate renumbering].

~~(101) “Mist Spray Adhesive” means any aerosol adhesive which is not a “Special Purpose Spray Adhesive” and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.~~

§ 94508(a)(87) [Nonsubstantive change to indicate renumbering].

~~(40388)~~ “Multi-purpose Solvent” means:

~~(A) for products manufactured before January 1, 2008: any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. “Multi-purpose Solvent” includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. “Multi-purpose Solvent” does not include solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.~~

~~(B)~~ (A) for products manufactured ~~on or after January 1, 2008~~ before January 1, 2015: any liquid product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials. “Multi-purpose Solvent” ~~also~~ includes: 1. products that do not display specific use instructions on the product container or packaging; 2. products that do not specify an end-use function or application on the product container or packaging; 3. solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories; 4. “Paint clean-up” products; and 5. products labeled to prepare surfaces for painting. For the purposes of this definition only, “Paint clean-up” means any liquid product labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals. “Multi-purpose Solvent” does not include 1. solvents used in cold cleaners, vapor degreasers, conveyorized degreasers or film cleaning machines; 2. solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea

coatings; ~~3. solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment;~~ ~~43. Products that are labeled exclusively to clean a specific contaminant, on a single substrate, in specific situations; or~~ ~~54. except as provided in section 94509(p)(4)(A), any product making any representation that the product may be used as, or is suitable for use as a consumer product which meets another definition in section 94508(a); such products are not “Multi-purpose Solvents” and are subject to the “Most Restrictive Limit” provisions of section 94512(a).~~

(B) for products manufactured on or after January 1, 2015: any product designed or labeled to be used for dispersing, dissolving, or removing contaminants or other organic materials.

“Multi-purpose Solvent” includes:

1. products that do not display specific use instructions on the product container or packaging;
2. products that do not display an end-use function or application on the product container or packaging;
3. solvents used in institutional facilities;
4. products labeled as “Paint Clean-Up,” or products designed or labeled for cleaning oil-based or water-based paint, lacquer, varnish, or related coatings from painting equipment or tools, plastics, or metals;
5. products labeled to prepare surfaces for painting; and
6. products that display on the Principal Display Panel a specific chemical name. Examples of specific chemical names include mineral spirits, ketone, turpentine, toluene, xylene(s), acetone, naphtha, or alcohol.

“Multi-purpose Solvent” does not include:

1. solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines;
2. solvents labeled exclusively for the clean-up of application equipment used for polyaspartic and polyurea coatings;
3. products that are labeled exclusively to clean a specific contaminant, on a single substrate;
4. “Rubbing Alcohol;”

5. laboratory reagents used in analytical, educational, research, scientific or other laboratories; and

6. products that are used exclusively for the thinning of “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings” that meet both of the following criteria:

a. the Responsible Party also manufactures for sale in California “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings;” and

b. the label states the specific product or brand of the “Industrial Maintenance Coating,” “Zinc-Rich Primer,” or “High Temperature Coating” for which the product is used.

§ 94508(a)(89) – § 94508(a)(90) [Nonsubstantive changes to indicate renumbering].

(91) “No Rinse Shampoo” means a product designed or labeled solely to be applied to hair that is dry to clean, absorb oil, or eliminate odor, and is subsequently removed from the hair by combing, brushing, or toweling the hair.

(92) “Nonaerosol” means any product which is not an “Aerosol Product.”

§ 94508(a)(93) – § 94508(a)(98) [Nonsubstantive changes to indicate renumbering].

(44299) “Paint Thinner” means:

(A) for products manufactured before January 1, 2015: any liquid product used for reducing the viscosity of coating compositions or components, that prominently displays the term “Paint Thinner,” “Lacquer Thinner,” “Thinner,” or “Reducer” on the front panel of its packaging. “Paint Thinner” does not include any of the following products:

(A)1. “Artist’s Solvent/Thinner;”

(B)2. products that are sold in containers with a capacity of 5 gallons or more and labeled exclusively for the thinning of “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings;”

(C)3. products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient; and

~~(D)~~4. products that meet both of the following criteria:

- 4a. the ~~Principle~~Principal Display Panel of the product displays, in a font size as large as, or larger than, the font size of all other words on the Principal Display Panel, language that the product is used exclusively for the thinning of “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings,” and
- 2b. no representation is made anywhere on the product container or packaging, or any label or sticker attached thereto, that the product is suitable for use or may be used for any other purpose except the thinning of “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings.”

(B) for products manufactured on or after January 1, 2015: any product that is designed or labeled to reduce the viscosity of coating compositions or components, or a product that prominently displays terms such as “Paint Thinner,” “Lacquer Thinner,” “Thinner,” or “Reducer” on the label. “Paint Thinner” includes aerosol products that provide a seamless transition between finishes, except for “Uniform Finish Coating” as defined in section 94521(a).

“Paint Thinner” does not include any of the following products:

1. “Artist’s Solvent/Thinner;”
2. “Rubbing Alcohol;”
3. products that are sold in containers with a capacity of 5 gallons or more and labeled exclusively for the thinning of “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings” that meet both of the following criteria:
 - a. the Responsible Party also manufactures for sale in California “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings,” and
 - b. the label states the specific product or brand of the “Industrial Maintenance Coating,” “Zinc-Rich Primer,” or “High Temperature Coating” for which the thinning product is to be used.
4. products labeled and used exclusively as an ingredient in a specific coating or coating brand line, whereby the coating would not be complete or useable without the specific ingredient; and
5. products that meet all of the following criteria:

- a. the Principal Display Panel of the product displays, in a font size as large as, or larger than, the font size of all other words on the Principal Display Panel, excluding the company name, brand name, and logo, language that the product is used exclusively for the thinning of "Industrial Maintenance Coatings," "Zinc-Rich Primers," or "High Temperature Coatings;"
- b. no representation is made anywhere on the product container or packaging, or any label or sticker attached thereto, that the product is suitable for use or may be used for any other purpose except the thinning of "Industrial Maintenance Coatings," "Zinc-Rich Primers," or "High Temperature Coatings;"
- c. the Responsible Party also manufactures for sale in California "Industrial Maintenance Coatings," "Zinc-Rich Primers," or "High Temperature Coatings;" and
- d. the label states the specific product or brand of the "Industrial Maintenance Coating," "Zinc-Rich Primer," or "High Temperature Coating" for which the thinning product is to be used.

§ 94508(a)(100) – § 94508(a)(113) [Nonsubstantive changes to indicate renumbering].

(427114) "Rubber/Vinyl Protectant" means:

- ~~(A) for products manufactured before December 31, 2008: any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. "Rubber/Vinyl Protectant" does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.~~
- (B) for products manufactured on or after December 31, 2008: any product labeled to protect, preserve or renew vinyl, or rubber on vehicles, tires, luggage, furniture, and/or household products such as vinyl covers, clothing, or accessories. "Rubber/Vinyl Protectant" does not include: products labeled to clean the wheel rim, such as aluminum or magnesium wheel cleaners; tire cleaners that do not leave an appearance-enhancing or protective substance on the tire; pigmented products designed or labeled to be used primarily for coloring; products used for construction, reconstruction, modification, structural maintenance or repair of rubber or vinyl substrates; or products, other than those labeled to be used on vehicle tires, qualifying as either "Clear Coating" or "Vinyl/Fabric/Leather/Plastic/Polycarbonate Coating"

under as defined in section 94521(a).

§ 94508(a)(115) – § 94508(a)(120) [Nonsubstantive changes to indicate renumbering].

~~(134) “Single Phase Aerosol Air Freshener” means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.~~

§ 94508(a)(121) [Nonsubstantive change to indicate renumbering].

(122) “Single Purpose Cleaner” means a cleaning product that is designed and labeled exclusively to clean one specific object or its parts that is not subject to any other regulated category, except that a cleaning product that claims to clean a single appliance, counter, wall, cabinet or floor is a “General Purpose Cleaner.”

(123) “Single Purpose Degreaser” means a product that is designed and labeled exclusively to degrease one specific object or its parts that is not subject to any other regulated category. “Single Purpose Degreaser” does not include “Adhesive Remover,” “Electrical Cleaner,” “Electronic Cleaner,” “Energized Electrical Cleaner,” “Engine Degreaser,” “General Purpose Cleaner,” “Metal Polish or Cleanser,” or “Oven or Grill Cleaner.” “Single Purpose Degreaser” also does not include products used exclusively in “solvent cleaning tanks or related equipment,” or products that are (A) exclusively sold directly or through distributors to establishments which manufacture or construct goods or commodities; and (B) labeled exclusively for “use in the manufacturing process only.” “Solvent cleaning tanks or related equipment” includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

~~(136) “Special Purpose Spray Adhesive” means an aerosol adhesive that meets any of the following definitions:~~

~~(A) “Mounting Adhesive” means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.~~

~~(B) “Flexible Vinyl Adhesive” means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 (Jan. 25, 1991) Standard Practice for Packed Column Gas Chromatography, which is~~

~~incorporated by reference herein, or from product formulation data.~~

~~(C) "Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam (e.g. Styrofoam®, expanded polystyrene foam, etc.) to substrates.~~

~~(D) "Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.~~

~~(E) "Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins (e.g. polyethylene, polypropylene, etc.) to substrates.~~

~~(F) "Laminate Repair/Edgebanding Adhesive" means an aerosol adhesive designed for:~~

- ~~1. the touch-up or repair of items laminated with high pressure laminates (e.g. lifted edges, delaminations, etc.), or for~~
- ~~2. the touch-up, repair, or attachment of edgebanding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood moulding, and decorative metals.~~

~~For the purposes of this definition "high pressure laminate" means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.~~

~~(G) "Automotive Engine Compartment Adhesive" means an aerosol adhesive designed for use in motor vehicle under the hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200-275 degrees Fahrenheit.~~

§ 94508(a)(124) – § 94508(a)(126) [Nonsubstantive changes to indicate renumbering].

~~(127)~~ (127) "Temporary Hair Color" means any product that applies color, glitter, or UV-active pigments to hair, wigs, or fur and is removable when washed. "Temporary Hair Color" includes hair color mousses and products labeled to add texture or thickness to cover thinning/balding areas. "Temporary Hair Color" does not include "Hair Finishing Spray," "Hair Styling Product," or "Hair Mousse."

§ 94508(a)(128) [Nonsubstantive change to indicate renumbering].

(129) "Thermal Protectant" means a product that is designed or labeled solely to be applied to the hair to protect it from heat damage during the use of heated tools such as blow drier, flat iron, and/or curling iron.

§ 94508(a)(130) – § 94508(a)(135) [Nonsubstantive change to indicate renumbering].

(~~148~~136) “Undercoating” means:

(A) for products manufactured before January 1, 2017: any aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. “Undercoating” includes, but is not limited to, rubberized, mastic, or asphaltic products.

(B) for products manufactured on or after January 1, 2017: any aerosol product designed or labeled exclusively to impart a protective, nonpaint layer to the undercarriage, trunk interior, and/or firewall or other parts of motor vehicles to prevent the formation of rust or to deaden sound. “Undercoating” includes, but is not limited to, rubberized, mastic, or asphaltic products. An aerosol product that may be used as an “Undercoating” but makes claims it may be used to provide a flexible or protective coating to non-vehicular surfaces is a “Flexible Coating” as defined in section 94521(a).

§ 94508(a)(137) [Nonsubstantive change to indicate renumbering].

(~~150~~138) “Volatile Organic Compound (VOC)” means any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

(A) methane,
methylene chloride (dichloromethane),
1,1,1-trichloroethane (methyl chloroform),
trichlorofluoromethane (CFC-11),
dichlorodifluoromethane (CFC-12),
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113),
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114),
chloropentafluoroethane (CFC-115),
chlorodifluoromethane (HCFC-22),
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123),
1,1-dichloro-1-fluoroethane (HCFC-141b),
1-chloro-1,1-difluoroethane (HCFC-142b),
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124),
trifluoromethane (HFC-23),
1,1,2,2-tetrafluoroethane (HFC-134),
1,1,1,2-tetrafluoroethane (HFC-134a),
pentafluoroethane (HFC-125),
1,1,1-trifluoroethane (HFC-143a),

1,1-difluoroethane (HFC-152a),
ethoxy-nonafluorobutane (HFE 7200),
trans-1,3,3,3-tetrafluoropropene (HFO-1234ze),
cyclic, branched, or linear completely methylated siloxanes,
the following classes of perfluorocarbons:

1. cyclic, branched, or linear, completely fluorinated alkanes;
2. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
3. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
4. sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and

(B) the following low-reactive organic compounds which have been exempted by the U.S. EPA:

acetone,
ethane,
methyl acetate,
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene),
perchloroethylene (tetrachloroethylene).

§ 94508(a)(139) [Nonsubstantive change to indicate renumbering].

~~(152) “Wasp or Hornet Insecticide” means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.~~

~~(153)~~140) “Waterproofer” means a nonaerosol product designed and/or labeled exclusively to repel water from fabric or leather substrates. “Waterproofer” does not include “Fabric Protectant.” Any aerosol product that meets the definition of an “Aerosol Coating Product” as defined in section 94521(a) and is designed or labeled exclusively to repel water from fabric or leather substrates is a “Vinyl/Fabric/Leather/Plastic Coating” as defined in section 94521(a).

§ 94508(a)(141) [Nonsubstantive change to indicate renumbering].

~~(155) “Web Spray Adhesive” means any aerosol adhesive which is not a “Mist Spray Adhesive” or “Special Purpose Spray Adhesive.”~~

§94508(a)(142) – § 94508(a)(144) [Nonsubstantive changes to indicate renumbering].

NOTE: Authority cited: Sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39002, 39600, 40000 and 41712, Health and Safety Code.

§ 94509. Standards for Consumer Products.

[Note: Only the amended parts of the Table of Standards are shown.]

- (a) Except as provided in Sections 94510 (Exemptions), 94511 (Innovative Products), 94514 (Variances), and 94540 through 94555 (Alternative Control Plan), and ~~94567(a)(1) (Hairspray Credit Program)~~, Title 17, California Code of Regulations, no person shall sell, supply, offer for sale, or manufacture for sale in California any consumer product which, at the time of sale or manufacture, contains volatile organic compounds in excess of the limits specified in the following Table of Standards after the specified effective dates.

Table of Standards
Percent Volatile Organic Compound by Weight

<i>Product Category</i>	<i>Effective Date ¹</i>	<i>VOC Standard ²</i>
Adhesive*: =====	=====	=====
[*See section 94510(i) for an exemption that applies to adhesives.]		
-----	-----	-----
Aerosol**	1/1/95	75
-----	-----	-----
Mist Spray Adhesive**	1/1/2002 <u>1/1/2017</u>	65 <u>30</u>
-----	-----	-----
Web Spray Adhesive**	1/1/2002 <u>1/1/2017</u>	55 <u>40</u>
-----	-----	-----
Special Purpose Spray Adhesive:**		
<u>Automobile Headliner Adhesive</u>	<u>1/1/2002</u>	<u>65</u>
<u>Automotive Engine Compartment Adhesive</u>	<u>1/1/2002</u>	<u>70</u>
<u>Flexible Vinyl Adhesive</u>	<u>1/1/2002</u>	<u>70</u>
<u>Laminate Repair/Edgebanding Adhesive</u>	<u>1/1/2002</u>	<u>60</u>
Mounting <u>Adhesive</u> , Automotive Engine Compartment, and Flexible Vinyl Adhesive	1/1/2002	70
Polystyrene Foam and Automobile Headliner Adhesive	1/1/2002	65

Polyolefin and Laminate Repair/Edgebanding Adhesive	1/1/2002	60
<u>Polystyrene Foam Adhesive</u>	<u>1/1/2002</u>	<u>65</u>
<u>Screen Printing Adhesive</u>	<u>1/1/2017</u>	<u>55</u>
=====	=====	=====
[**See subsections 94509(i), and 94509(m)(1), 94509(n), and sections 94512(d), and 94513(d) for additional requirements that apply to aerosol adhesive.]		
-----	-----	-----
Construction, Panel, and/or Floor Covering Adhesive [#]	1/1/95 12/31/2002 12/31/2008	40 15 7
=====	=====	=====
[[#] See section 94509(k) for the effective date of the VOC limit for certain types of Construction, Panel, and/or Floor Covering Adhesive, and subsection 94509(m)(1) for additional requirements that apply to Construction, Panel, and/or Floor Covering Adhesive.]		
=====	=====	=====

Hair <u>Finishing Spray</u>	1/1/93 6/1/99	80 55
Hair Styling Gel	1/1/94	6

Insecticide*:		

Flea and/or Tick Insecticide	1/1/95	25
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Lubricant*		

Multi-purpose Lubricant (excluding solid or semisolid products) [#]	1/1/2003 12/31/2013 12/31/2015 18	50 25 10

Multi-purpose Solvent*		

<u>aerosol</u> - <u>standard for all areas of the State</u> ----- <u>nonaerosol</u> - <u>standards for the South Coast Air Quality Management District</u> - <u>standards for all other areas of the State</u> =====	<u>1/1/2016</u> ----- <u>See section 94509(p)(4)</u> 12/31/2010 12/31/2013 =====	<u>10</u> ----- 30 3 =====
[*See subsections 94509(b)(1), (m)(1), (n), and (p); 94512(a)(1), (a)(4) and (e); and 94513(g); and 94515(j) for additional requirements that apply to Multi-purpose Solvent.] *****		
Paint Thinner* <u>aerosol</u> - <u>standard for all areas of the State</u> ----- <u>nonaerosol</u> - <u>standards for the South Coast Air Quality Management District</u> - <u>standards for all other areas of the State</u> =====	<u>1/1/2016</u> ----- <u>See section 94509(p)(4)</u> 12/31/2010 12/31/2013 =====	<u>10</u> ----- 30 3 =====
[*See subsections 94509(b)(1), (m)(1), (n), and (p); 94512(a)(1), (a)(4) and (e); and 94513(g); and 94515(j) for additional requirements that apply to Paint Thinner. See subsection 94510(m) for an exemption that applies to Paint Thinner.] *****		

¹ See section 94509(d) for the effective date of the VOC standards for products registered under FIFRA, and section 94509(c) and (d) for the “sell-through” allowed for products manufactured prior to the effective date of standards.

² See section 94510(c) for an exemption that applies to fragrances in consumer products, and section 94510(d) for an exemption that applies to LVP-VOCs.

(b) *Products that are diluted prior to use.*

- (1) Except for “Multi-purpose Solvent” and “Paint Thinner” products manufactured after January 1, 2015, and “Automotive Windshield Washer Fluid (Dilutable),” for consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this subsection (b), “minimum recommended dilution” shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(i) *Requirements for aerosol adhesives* (as defined in sections 94508(a)(1) ~~and 94508(a)(3)~~).

- (1) As specified in Health and Safety Code section 41712(h)(2), the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in sections 94509(c), 94510, 94511, and 94514, no person shall sell, supply, offer for sale, use or manufacture for sale in California any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the specified standard.
- (2)(A) In order to qualify as a “Special Purpose Spray Adhesive” the product must meet one or more of the definitions for “Special Purpose Spray Adhesive” specified in section 94508(a)(1), but if the product label indicates that the product is suitable for use on any substrate or application not listed in one of the definitions for “Special Purpose Spray Adhesive,” then the product shall be classified as either a “Web Spray Adhesive” or a “Mist Spray Adhesive.”
- (B) If a product meets more than one of the definitions specified in section 94508(a)(1) for “Special Purpose Spray Adhesive,” and is not classified as a “Web Spray Adhesive” or “Mist Spray Adhesive” under subsection 94509(i)(2)(A), then the VOC limit for the product shall be the lowest applicable VOC limit specified in section 94509(a).
- (3) All aerosol adhesives must comply with the labeling requirements specified in section 94512(d), and all manufacturers and responsible parties for aerosol adhesives must comply with the special reporting requirements specified in section 94513(d).

(k) *Effective dates of the VOC limits for “Carburetor or Fuel-injection Air Intake*

Cleaners” and “*Construction, Panel, and/or Floor Covering Adhesives*.” The definitions for the product categories of “Carburetor or Fuel-injection Air Intake Cleaners” and “Construction, Panel, and/or Floor Covering Adhesives” were modified as part of the “Mid-term Measures II” rulemaking action that was considered by the Board in October 1999. As a result of these modifications, certain types of consumer products were included in these definitions that had not previously been included. For those consumer products that were included in these definitions for the first time as a result of the “Mid-term Measures II” rulemaking action, the VOC limits (in section 94509(a)) applicable to these newly included products shall not become legally effective until December 31, 2002.

(m) *Requirements limiting the use of specific toxic compounds in specific consumer products categories.*

(1) *Requirements for products listed in Table (m)(1).*

Except as provided below in sections 94509(m)(4), (m)(6), and (m)(7), after the applicable effective date specified in Table 94509(m)(1) for each product category, no person shall sell, supply, offer for sale, or manufacture for use in California any consumer product listed in Table 94509(m)(1) that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.

Table 94509(m)(1)
Product Categories in which Use of Methylene Chloride, Perchloroethylene, and Trichloroethylene is Prohibited

<i>Product Category</i>	<i>Effective Date</i>	<i>Sell-through Date</i>
Adhesive:		
Aerosol	<u>1/1/2002</u>	<u>1/1/2005</u>
• Mist Spray Adhesive	<u>1/1/2002</u>	<u>1/1/2005</u>
• Web Spray Adhesive	<u>1/1/2002</u>	<u>1/1/2005</u>
• Special Purpose Spray Adhesive		
• <u>Automobile Headliner Adhesive</u>	<u>1/1/2002</u>	<u>1/1/2005</u>
• <u>Automotive Engine Compartment Adhesive</u>	<u>1/1/2002</u>	<u>1/1/2005</u>
• <u>Flexible Vinyl Adhesive</u>	<u>1/1/2002</u>	<u>1/1/2005</u>
• <u>Laminate Repair/Edgebanding Adhesive</u>	<u>1/1/2002</u>	<u>1/1/2005</u>
• <u>Mounting Adhesive, Automotive Engine Compartment, and Flexible Vinyl Adhesive</u>	<u>1/1/2002</u>	<u>1/1/2005</u>
• Polystyrene Foam and Automobile Headliner Adhesive		
• Polyolefin <u>Adhesive and Laminate Repair/Edgebanding Adhesive</u>	<u>1/1/2002</u>	<u>1/1/2005</u>
• <u>Polystyrene Foam Adhesive</u>	<u>1/1/2002</u>	<u>1/1/2005</u>

<ul style="list-style-type: none"> • <u>Screen Printing Adhesive</u> 	<u>1/1/2017</u>	<u>1/1/2020</u>
Construction, Panel and/or Floor Covering <u>Adhesive</u>	<u>12/31/2008</u>	<u>12/31/2011</u>
Contact <u>Adhesive</u>	<u>12/31/2005</u>	<u>12/31/2008</u>
<ul style="list-style-type: none"> • <u>Contact Adhesive - General Purpose</u> 	<u>12/31/2005</u>	<u>12/31/2008</u>
<ul style="list-style-type: none"> • <u>Contact Adhesive - Special Purpose</u> 	<u>12/31/2005</u>	<u>12/31/2008</u>

Multi-purpose Solvent		
<ul style="list-style-type: none"> • <u>aerosol</u> 	<u>1/1/2016</u>	<u>1/1/2019</u>
<ul style="list-style-type: none"> • <u>nonaerosol</u> 	<u>12/31/2010</u>	<u>12/31/2013</u>

Paint Thinner		
<ul style="list-style-type: none"> • <u>aerosol</u> 	<u>1/1/2016</u>	<u>1/1/2019</u>
<ul style="list-style-type: none"> • <u>nonaerosol</u> 	<u>12/31/2010</u>	<u>12/31/2013</u>

<u>Single Purpose Cleaner</u>	<u>1/1/2017</u>	<u>1/1/2020</u>
<u>Single Purpose Degreaser</u>	<u>1/1/2017</u>	<u>1/1/2020</u>

(n) *Requirements limiting the use of any chemical compound that has a Global Warming Potential (GWP) Value of 150 or greater.*

(1) *Requirements for products listed in Table (n)(1)*

Except as provided below in sections 94509(n)(2) and (n)(3), after the applicable effective date specified in Table 94509(n)(1), no person shall sell, supply, offer for sale, or manufacture for use in California any consumer product listed in Table 94509(n)(1) that contains any chemical compound that has a GWP Value of 150 or greater.

Table 94509(n)(1)
Product Categories in which Use of Any Chemical Compound that has a Global Warming Potential (GWP) Value of 150 or Greater is Prohibited

<i>Product Category</i>	<i>Effective Date</i>	<i>Sell-through Date</i>
<u>Aerosol Adhesive:</u>		
<ul style="list-style-type: none"> • <u>Mist Spray Adhesive</u> 	<u>1/1/2017</u>	<u>1/1/2020</u>
<ul style="list-style-type: none"> • <u>Web Spray Adhesive</u> 	<u>1/1/2017</u>	<u>1/1/2020</u>
<ul style="list-style-type: none"> • <u>Screen Printing Adhesive</u> 	<u>1/1/2017</u>	<u>1/1/2020</u>
Double Phase Aerosol Air Freshener	12/31/2012	12/31/2015

Flying Bug Insecticide	12/31/2013	12/31/2016
Furniture Maintenance Product	12/31/2013	12/31/2016
Lubricant:		
• Anti-Seize Lubricant	12/31/2013	12/31/2016
• Cutting or Tapping Oil	12/31/2013	12/31/2016
• Gear, Chain, or Wire Lubricant	12/31/2013	12/31/2016
• Rust Preventative or Rust Control Lubricant	12/31/2013	12/31/2016
Metal Polish or Cleanser	12/31/2012	12/31/2015
Multi-purpose Solvent		
• <u>aerosol</u>	<u>1/1/2016</u>	<u>1/1/2019</u>
• <u>nonaerosol</u>	12/31/2010	12/31/2013
Paint Thinner		
• <u>aerosol</u>	<u>1/1/2016</u>	<u>1/1/2019</u>
• <u>nonaerosol</u>	12/31/2010	12/31/2013
Pressurized Gas Duster	12/31/2010	12/31/2011
Spot Remover	12/31/2012	12/31/2015
Wasp or Hornet Insecticide	12/31/2013	12/31/2016

(p) *Additional requirements for “Multi-purpose Solvent” and “Paint Thinner.”*

(1) *Aromatic Compound Content.*

(A) Nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products.

Except as provided below in sections 94509(p)(2)(A), effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in California ~~any~~ a nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product that contains greater than 1% “Aromatic Compound” content by weight.

(B) Aerosol “Multi-purpose Solvent” and “Paint Thinner” products. Except as provided below in sections 94509(p)(2)(B), effective January 1, 2016, no person shall sell, supply, offer for sale, or manufacture for use in California an aerosol “Multi-purpose Solvent” or “Paint Thinner” product that contains greater than 1% “Aromatic Compound” content by weight.

(2) *Sell-through of Products.*

(A) Nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products.

Nonaerosol “Multi-purpose Solvent”s and “Paint Thinner”s products that contain greater than 1% “Aromatic Compound” content by weight; and were manufactured before December 31, 2010, may be sold, supplied, or offered for sale until December 31, 2013, so long as

these products comply with the product dating requirements in section 94512(b).

(B) Aerosol “Multi-purpose Solvent” and “Paint Thinner” products. Aerosol “Multi-purpose Solvent” and “Paint Thinner” products that contain greater than 1% “Aromatic Compound” content by weight; and were manufactured before January 1, 2016, may be sold, supplied, or offered for sale until January 1, 2019, so long as these products comply with the product dating requirements in section 94512(b).

(3) *Notification for products sold during the sell-through period.*

(A) Nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products. Any person who sells or supplies a consumer product identified above in section 94509(p)(2)(A) must notify the purchaser of the product in writing that the sell-through period for that product will end on December 31, 2013, provided, however, this notification must be given only if both of the following conditions are met:

~~(A)~~1. the product is sold or supplied to a distributor or retailer; and

~~(B)~~2. the product is sold or supplied on or after June 30, 2013.

(B) Aerosol “Multi-purpose Solvent” and “Paint Thinner” products. Any person who sells or supplies a consumer product identified in section 94509(p)(2)(B) must notify the purchaser of the product in writing that the sell-through period for that product will end on January 1, 2019, provided, however, this notification must be given only if both of the following conditions are met:

1. the product is sold or supplied to a distributor or retailer; and

2. the product is sold or supplied on or after June 30, 2018.

(4) Requirements for nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products sold, supplied, offered for sale, or manufactured for use in the South Coast Air Quality Management District (SCAQMD).

(A) Nonaerosol products that are sold, supplied, offered for sale, or manufactured for use in the SCAQMD that meet the definition of “Paint Thinner” or “Multi-purpose Solvent” do not meet the criteria for any other consumer product category and do not qualify under a definition of any other consumer product category that is defined in section 94508(a), regardless of any representation made that the product may be used as, or is suitable for use as another category of consumer product that is defined in section 94508(a).

(B) Standards for nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products sold, supplied, offered for sale, or manufactured for use in the SCAQMD.

1. Effective December 31, 2010, no person shall sell, supply, offer for sale, or manufacture for use in the SCAQMD any nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product which, at the time of sale or manufacture, contains VOCs in excess of 30 percent by weight, as determined in accordance with procedures specified in section 94515(a) – (i) and as set forth in ARB Method 310, adopted September 25, 1997 and as last amended on August 1, 2014, which is incorporated herein by reference.
2. Effective December 31, 2013, no person shall sell, supply, offer for sale, or manufacture for use in the SCAQMD any nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product which, at the time of sale or manufacture, contains VOCs in excess of 3 percent by weight, as determined in accordance with procedures specified in section 94515(a) – (i) and as set forth in ARB Method 310, as last amended on August 1, 2014.
3. Effective January 1, 2015, no person shall sell, supply, offer for sale, or manufacture for use in the SCAQMD any nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product that contains VOCs in excess of 25 grams per liter of material (g/L) or 0.21 pounds per gallon (lb/Gal), as determined in accordance with procedures specified in section 94515(j) and as set forth in ARB Method 310, as last amended on August 1, 2014. As specified in section 94515(j) and section 3.6 of ARB Method 310, determination of the LVP-VOC content does not apply because there is no LVP-VOC exemption for these products.

(C) The provisions in sections 94509(m)(1), 94509(n), 94509(p)(1), (2) and (3), 94512(a)(4), and 94512(e) shall apply to any nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product sold, supplied, offered for sale, or manufactured for use in the SCAQMD.

(D) Sell-through of Products.

Nonaerosol “Multi-purpose Solvent” or “Paint Thinner” products sold, supplied, offered for sale, or manufactured for use in the SCAQMD that were manufactured before January 1, 2015, may be sold, supplied, or offered for sale until January 1, 2018, so long as these products comply with the product dating requirements in section 94512(b).

(E) Notification for products sold during the sell-through period.

Any person who sells or supplies a nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product identified in section

94509(p)(4)(D) must notify the purchaser of the product in writing that the sell-through period for that product will end on January 1, 2018, provided, however, this notification must be given only if both of the following conditions are met:

1. the product is sold or supplied to a distributor or retailer; and
2. the product is sold or supplied on or after June 30, 2017.

NOTE: Authority cited: Sections 38500, 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 39601, 39650, 39658, 39659, 39666 and 41712, Health and Safety Code. Reference: Sections 38505, 39002, 39600, 39650, 39655, 39656, 39658, 39659, 39666, 40000 and 41712, Health and Safety Code.

§ 94512. Administrative Requirements.

(a) Most Restrictive Limit.

~~(1) Products Manufactured Before January 1, 2007, and FIFRA-registered Insecticides Manufactured Before January 1, 2008. Notwithstanding the definition of "Product Category" in Section 94508, if anywhere on the principal display panel of any consumer product manufactured before January 1, 2007, or any FIFRA-registered insecticide manufactured before January 1, 2008, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 94509(a), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners and insecticide foggers.~~

~~(21) Products Manufactured on or After January 1, 2007, and FIFRA-registered Insecticides Manufactured on or After January 1, 2008. Except as provided below in section 94512(a)(4), Notwithstanding the definition of "product category" in Section 94508, if anywhere on the container or packaging of any consumer product manufactured on or after January 1, 2007, or any FIFRA-registered insecticide manufactured on or after January 1, 2008, or on any sticker or label affixed thereto, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC limit is specified in Section 94509(a), then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners and insecticide foggers.~~

~~(32) Rule that applies when Product Category definitions exclude each other. When determining the applicable VOC standard for a product that meets the definitions for both "Regulated Category A" and "Regulated Category B", in circumstances where the definition of "Regulated Category A" states that it excludes "Regulated Category B", and the definition of "Regulated Category B" states that it excludes "Regulated Category A," the product is subject to the VOC standard for whichever regulated category, "A" or "B," has the lower VOC standard.~~

For the purposes of this section, a “Regulated Category” means a category of consumer products that is both: (A) defined in section 94508(a), and (B) has a VOC standard specified in section 94509(a) for that product category.

(43) Notwithstanding the provisions of section 94512(a)(2)(1) and (3)(2), a product that makes ancillary disinfecting, sanitizing, or antimicrobial claims on the label is not subject to the VOC standards for “Disinfectant” or “Sanitizer” if the product is designed and labeled on the Principal Display Panel as a “Bathroom and Tile Cleaner,” “Carpet/Upholstery Cleaner,” “Fabric Refresher,” “General Purpose Cleaner,” “Glass Cleaner,” “Metal Polish or Cleanser,” or “Toilet/Urinal Care Product.”

(4) Pursuant to section 94509(p)(4), the provisions of section 94512(a)(1), (a)(2), and (a)(3) shall not apply to nonaerosol “Multi-purpose Solvent” or “Paint Thinner” product sold, supplied, offered for sale, or manufactured for use in the South Coast Air Quality Management District.

(e) Additional Requirements for Multi-purpose Solvent and Paint Thinner.

The following requirements apply in addition to the requirements specified in section 94512(a), (b), and (c):

- (1) Except as provided below in section 94512(e)(2), effective December 31, 2010, until December 31, ~~2015~~2017, no person shall sell, supply, offer for sale, or manufacture for use in California any “Flammable” or “Extremely Flammable” Multi-purpose Solvent or Paint Thinner named, on the ~~Principle~~ Principal Display Panel as “Paint Thinner,” “Multi-purpose Solvent,” “Clean-up Solvent,” or “Paint Clean-up.”
- (2) Section 94512(e)(1) does not apply to products that meet either of the following criteria:
 - (A) Products which include an attached “hang tag,” sticker, or contrasting square or rectangular area on the ~~Principle~~ Principal Display Panel that displays, at a minimum, the following statements in a font size as large as, or larger than, the “signal word” (i.e., “DANGER,” “WARNING,” or “CAUTION”) as specified in title 16, Code of Federal Regulations, section 1500.121:

“Formulated to meet California VOC limits; see warnings on label; Vea las advertencias en la etiqueta, formulado complacientes con leyes de California” or
 - (B) Products where the ~~Principle~~ Principal Display Panel displays, in both English and Spanish and a font size as large as, or larger than, the font size of all other words on the Principal Display Panel, excluding the

company name, brand name, and logo, the common name of the chemical compound (e.g., "Acetone," "Methyl acetate," etc.) that results in the product meeting the criteria for "Flammable" or "Extremely Flammable."

NOTE: Authority cited: Sections 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000 and 41712, Health and Safety Code.

§ 94513. Reporting Requirements.

(f) Special Reporting Requirements for Multi-purpose Lubricant and Penetrant products.

- (1) On or before March 31, 2012, all responsible parties for Multi-purpose Lubricant and Penetrant products shall report to the Executive Officer the following information for products sold or offered for sale in California:
 - (A) data regarding product sales and composition for the year 2011, including the information listed in section 94513(a), the entire product label; and
 - (B) a written update of the research and development efforts undertaken to achieve the 25 percent VOC limits specified in section 94509(a). The written update must include detailed information about the raw materials evaluated for use, maximum incremental reactivity (MIR) values for any VOC or LVP- VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.
- (2) On or before March 31, ~~2014~~2017, all responsible parties for Multi-purpose Lubricant products shall report to the Executive Officer the following information for products sold or offered for sale in California:
 - (A) data regarding product sales and composition for the year ~~2013~~2016, including the information listed in ~~§~~section 94513(a), the entire product label; and
 - (B) a written update of the research and development efforts undertaken to achieve the 10 percent VOC limit specified in section 94509(a). The written update must include detailed information about the raw materials evaluated for use, MIR values for any VOC or LVP-VOC used or evaluated, the function of the raw material evaluated, hardware used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.

NOTE: Authority cited: Sections 39600, 39601, 41511 and 41712, Health and Safety Code.
Reference: Sections 39002, 39600, 40000, 41511 and 41712, Health and Safety Code.

§ 94515. Test Methods.

- (a)(1) *VOC and GWP compound content determination using ARB Method 310.* Testing to determine compliance with the requirements of this article, shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products, adopted September 25, 1997 and as last amended on ~~September 29, 2011~~ August 1, 2014, which is incorporated herein by reference. Alternative methods which are shown to accurately determine the concentration of VOCs in a subject product or its emissions may be used upon approval of the Executive Officer.
- (2) In sections 3.5, 3.6, and 3.7 of Air Resources Board (ARB) Method 310, a process is specified for the “Initial Determination of VOC Content” and the “Final Determination of VOC Content”. This process is an integral part of testing procedure set forth in ARB Method 310, and is reproduced below:

Sections 3.5, 3.6, and 3.7 of Air Resources Board Method 310

3.5 Initial Determination of VOC Content. The Executive Officer will determine the VOC content pursuant to sections 3.2 and 3.3. Only those components with concentrations equal to or greater than 0.1 percent by weight will be reported.

3.5.1 Using the appropriate formula specified in section 4.0, the Executive Officer will make an initial determination of whether the product meets the applicable VOC standards specified in ARB regulations. If initial results show that the product does not meet the applicable VOC standards, the Executive Officer may perform additional testing to confirm the initial results.

3.5.2 If the results obtained under section 3.5.1 show that the product does not meet the applicable VOC standards, the Executive Officer will request the product manufacturer or responsible party to supply product formulation data. The manufacturer or responsible party shall supply the requested information. Information submitted to the ARB Executive Officer may be claimed as confidential; such information will be handled in accordance with the confidentiality procedures specified in Title 17, California Code of Regulations, sections 91000 to 91022.

3.5.3 If the information supplied by the manufacturer or responsible party shows that the product does not meet the applicable VOC standards,

then the Executive Officer will take appropriate enforcement action.

3.5.4 If the manufacturer or responsible party fails to provide formulation data as specified in section 3.5.2, the initial determination of VOC content under this section 3.5 shall determine if the product is in compliance with the applicable VOC standards. This determination may be used to establish a violation of ARB regulations.

3.6 Determination of the LVP-VOC status of compounds and mixtures. This section does not apply to antiperspirant and deodorants or aerosol coating products. Effective January 1, 2015, this section also does not apply to nonaerosol "Multi-purpose Solvent" and "Paint Thinner" products sold, supplied, offered for sale, or manufactured for use in the South Coast Air Quality Management District. ~~because there is no LVP-VOC exemption for these products.~~

3.6.1 Formulation data. If the vapor pressure is unknown, the following ASTM methods, which are incorporated by reference herein, may be used to determine the LVP-VOC status of compounds and mixtures: ASTM D 86-01 (Aug. 10, 2001), ASTM D 850-00 (Dec. 10, 2000), ASTM D 1078-01 (June 10, 2001), ASTM D 2879-97 (April 10, 1997), ~~as modified in Appendix B to this Method 310,~~ ASTM D 2887-01 (May 10, 2001) and ASTM E 1719-97 (March 10, 1997).

3.6.2 LVP-VOC status of "compounds" or "mixtures." The Executive Officer will test a sample of the LVP-VOC used in the product formulation to determine the boiling point for a compound or for a mixture. If the boiling point exceeds 216°C, the compound or mixture is an LVP-VOC. If the boiling point is less than 216°C, then the weight percent of the mixture which boils above 216°C is an LVP-VOC. The Executive Officer will use the nearest 5 percent distillation cut that is greater than 216°C as determined under 3.6.1 to determine the percentage of the mixture qualifying as an LVP-VOC.

~~3.6.3 Reference method for identification of LVP-VOC compounds and mixtures. If a product does not qualify as an LVP-VOC under 3.6.2, the Executive Officer will test a sample of the compound or mixture used in a product's formulation utilizing one or both of the following: ASTM D 2879-97 (April 10, 1997), as modified in Appendix B to this Method 310, and ASTM E 1719-97 (March 10, 1997), to determine if the compound or mixture meets the requirements of Title 17, CCR, section 94508(a)(98)(A).~~

3.7 *Final Determination of VOC Content.* If a product's compliance status is not satisfactorily resolved under sections 3.5 and 3.6, the Executive Officer will conduct further analyses and testing as necessary to verify the formulation

data.

- 3.7.1 If the accuracy of the supplied formulation data is verified and the product sample is determined to meet the applicable VOC standards, then no enforcement action for violation of the VOC standards will be taken.
- 3.7.2 If the Executive Officer is unable to verify the accuracy of the supplied formulation data, then the Executive Officer will request the product manufacturer or responsible party to supply information to explain the discrepancy.
- 3.7.3 If there exists a discrepancy that cannot be resolved between the results of Method 310 and the supplied formulation data, then the results of Method 310 shall take precedence over the supplied formulation data. The results of Method 310 shall then determine if the product is in compliance with the applicable VOC standards, and may be used to establish a violation of ARB regulations.

(b) VOC content determinations using product formulation and records. Testing to determine compliance with the requirements of this article may also be demonstrated through calculation of the VOC content from records of the amounts of constituents used to make the product pursuant to the following criteria:

- (1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years.
- (2) For the purposes of this section 94515(b), the VOC content shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{B - C}{A} \times 100$$

where,

A = total net weight of unit (excluding container and packaging)

B = total weight of all VOCs, as defined in Section 94508(a), per unit

C = total weight of VOCs exempted under Section 94510, per unit

- (3) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using ARB

Method 310, the results of ARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this article.

- (c) *Aromatic Compound content determination for Multi-purpose Solvent or Paint Thinner using ARB Method 310.* Testing to determine compliance with the requirements of section 94509(p)(1), shall be performed using Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds (ROC) in Aerosol Coating Products, adopted September 25, 1997 and as last amended on ~~September 29, 2014~~ August 1, 2014, which is incorporated by reference herein. Alternative test methods that are demonstrated to be equally or more accurate than ARB Method 310 in determining the Aromatic Compound content in a product or its emissions may be used upon the written approval of the Executive Officer.
- (d) *Aromatic Compound content determinations for Multi-purpose Solvent or Paint Thinner using product formulation and records.* Testing to determine compliance with the requirements of section 94509(p)(1), may also be demonstrated through calculation of Aromatic Compound content from records of the amounts of constituents used to make the product pursuant to the following criteria:
- (1) Compliance determinations based on these records may not be used unless the manufacturer of a Multi-purpose Solvent or Paint Thinner keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. These records must be kept for at least three years.
 - (2) For the purposes of this section 94515(d), the Aromatic Compound content shall be calculated according to the following equation:

$$\text{Aromatic Compound Content} = \frac{E}{D} \times 100$$

where,

D = total net weight of unit (excluding container and packaging)

E = total weight of all Aromatic Compounds, as defined in Section 94508(a), per unit

- (3) If product records appear to demonstrate compliance with the Aromatic Compound limit, but these records are contradicted by product testing performed using ARB Method 310, the results of ARB Method 310 shall take precedence over the product records and may be used to establish a violation of the requirements of this article.

- (e) Determination of liquid or solid. Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (May 25, 1990), which is incorporated by reference herein.
- (f) Compliance determinations for charcoal lighter material products. Testing to determine compliance with the certification requirements for charcoal lighter material shall be performed using the procedures specified in the South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (February 28, 1991), which is incorporated by reference herein.
- (g) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-01 (Aug. 10, 2001), which is incorporated by reference herein.
- (h) Fragrance content determinations for personal fragrance products. Testing to determine the percent by weight of fragrance in personal fragrance products shall be performed according to the Association of Official Analytical Chemists (AOAC) Official Method of Analysis No. 932.11, 1990, "Essential Oil in Flavor Extracts and Toilet Preparations, Babcock Method" (AOAC Official Methods of Analysis, 15th Edition, 1990), which is incorporated by reference herein.
- (i) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect the constituents used to manufacture a product, the chemical composition of the individual product, and any other test, processes, or records used in connection with product manufacture.
- (j) Effective January 1, 2015, testing to determine compliance with 25 g/L or 0.21 lb/gal VOC standard for nonaerosol "Multi-purpose Solvent" and "Paint Thinner" products sold, supplied, offered for sale, or manufactured for use in the South Coast Air Quality Management District (SCAQMD) shall be determined using ARB Method 310, with final VOC content determined as set forth in section 4.2.4, adopted September 25, 1997 and as last amended on August 1, 2014, which is incorporated herein by reference. As specified in section 3.6 of Method 310, and as reproduced in section 94515(a)(2), determination of LVP-VOC status does not apply because there is no LVP-VOC exemption for these products. Section 4.2.4 is reproduced below:

4.2.4 Effective January 1, 2015, for nonaerosol "Multi-purpose Solvent" and "Paint Thinner" products sold, supplied, offered for sale, or manufactured for use in the South Coast Air Quality Management District (SCAQMD), grams of VOC per liter of material (g/L) shall be calculated using the following equation:

$$\frac{\text{g/L VOC} = \text{WM} \times (\text{TV} - \text{H} - \text{EL})}{\text{VM}}$$

Where:

WM = weight of the material in grams.

VM = volume of the material in liters.

TV = weight fraction of total volatile material.

H = weight fraction of water.

EL = weight fraction of exempt compounds including the weight fraction of methyl esters with 17 or more carbon atoms in the total volatile material.

NOTE: Authority cited: Sections 39600, 39601, 39607, 41511 and 41712, Health and Safety Code.
Reference: Sections 39002, 39600, 39607, 40000, 41511 and 41712, Health and Safety Code.